

IN THE MATTER OF THE  
THE APPLICATION OF  
GERD H. PETRICH, D.D.S.  
FOR VARIANCE ON PROPERTY  
LOCATED ON THE SOUTH SIDE  
JOPPA ROAD, 128' WEST OF  
BALTIMORE AVENUE  
(219 W. JOPPA ROAD)  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 91-467-A

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the Petition in part and dismissing the Petition in part. The Petitioner, Gerd H. Petrich, D.D.S., seeks a variance from the setback requirements and a variance from the open space requirements. The Zoning Commissioner in his decision calculated the available open space and noted that it exceeded the required open space, so this part of the Petition is now moot. The only matter remaining before the Board is the consideration of the existing 3-foot setback from the front of the house to the property line in lieu of the required 15 feet, and the 28-foot existing setback from the centerline of the street in lieu of the required 40 feet. Testimony was taken from Vincent Moskunus, of M & H Development Engineers, Inc., who prepared the plat and who testified to the information contained thereon, and Dr. Gerd Petrich, who testified as to his purchase and proposed use of the property. There were no protestants present in the room.

This house, as near as could be ascertained, was built in 1928. Entered as Petitioner's Exhibit No. 2 was Key Sheet N, Sheet 39 N.E. 2 from the Baltimore County records which shows that the

Case No. 91-467-A Gerd H. Petrich, D.D.S.

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footprint of the house as it exists today is virtually the same as it was in May of 1958 when Key Sheet N was produced. Dr. Petrich testified that he purchased this property in September 1990 and entered as Petitioner's Exhibit No. 3 the plat to accompany the application for permit dated February 15, 1991. Permit #B070312 was issued for the renovation work. The Board will note that this Exhibit No. 3, in the right-hand corner, Item 1, states: "Enclose exist. front porch." The contractor, Goetz Brothers, Inc., did the renovations to the building starting in September 1991 and finishing in December 1991, and Dr. Petrich moved in and began his practice in December 1991. He testified at length as to these renovations and the need for them, and especially noted that there were no complaints from any neighbors whatsoever.

The Board is faced with only one issue in this case, that being the existing 3-foot setback in lieu of the required 15 feet and 28 feet in lieu of the required 40 feet from the centerline of the street. The Board will also make note that, while this setback is measured from the porch, if the porch was removed the house would still be in technical violation since it would only end up with a 7-foot setback in lieu of the required 15 feet for the front yard and 34 feet in lieu of the required 40 feet to the center of the road. Even if the porch was ordered removed, the house would have to be picked up and moved back on to the lot. If this was accomplished, the parking in the rear of the building would be destroyed, and therefore the building could not be used as a dentist's office. In consideration of all these factors, the Board

Case No. 91-467-A Gerd H. Petrich, D.D.S.

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is of the opinion that to deny the variance would result in practical difficulty and unreasonable hardship. The building as it exists has always existed in this posture, has been used for various office uses for many years, and is almost physically impossible to bring into compliance with modern day zoning requirements. The Board will therefore grant the requested variance for a front yard setback of 3 feet in lieu of the required 15 feet from the front property line and 28 feet in lieu of the required 40 feet from the centerline of the street and will so order.

ORDER

IT IS THEREFORE this 21st day of August, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance to permit a front yard setback of 3 feet in lieu of the required 15 feet from the front property line and 28 feet in lieu of the required 40 feet from the centerline of the street be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael W. Sauer

John G. Disney

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Joppa Rd., 128 ft. W of \* ZONING COMMISSIONER  
Baltimore Avenue \*  
219 W. Joppa Road \* OF BALTIMORE COUNTY  
9th Election District \*  
4th Councilmanic District \* Case No. 91-467-A  
Gerd H. Petrich, D.D.S. \*  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Zoning Variances, a variance from Sections 235.1 and 235.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). As to Section 235.1, the Petitioner requests a variance to permit front yard setbacks of 3 ft. in lieu of the required 15 ft. from the front property line; and 28 ft. in lieu of the required 40 ft. from the centerline of the street. As to the variance from Section 235.B.4, a closer reading of that section discloses that the variance is not required. Specifically, Section 235.B.4 prescribes the required amenity open space ratio. Petitioner's Exhibit No. 1, the site plan to accompany the Petition, notes that sufficient amenity open space exists, as required under Section 235.B.4. Specifically, the site plan indicates that 249 sq. ft. is required and 355 ft. is provided. Thus, the Petition for Zoning Variance from Section 235.B.4 is rendered moot in view of the fact that the Petitioner has complied with the requirements of that section.

It appears that what the Petitioner may be seeking is relief from strict compliance with Section 409.B.A.4 of the B.C.Z.R. which requires that no parking space may be closer than 10 ft. to the right-of-way of a public street. In reviewing the plat, it is noted that the public alleyway adjacent to the property is within 10 ft. of the rear parking spaces.

Although I would be inclined to grant such a variance, it will not be addressed further in these Findings of Fact and Conclusions of Law in that it was not requested.

Turning my attention then to the requested variances from Section 235.1 of the B.C.Z.R., the Petitioner's Exhibit No. 1 clearly depicts the requested variances. As shown on the site plan, the property features a two story framed building with an enclosed one story framed addition fronting the property. With the enclosure of this addition in 1990, the building envelope lies 28 ft. from the centerline of Joppa Road and 3 ft. from the front property line.

The Petitioner, Dr. Gerd Petrich, appeared and was represented by William Hesson, Esquire. Also appearing on behalf of the Petitioner was Vincent J. Moskunus, Engineer. There were no Protestants.

Proffered testimony by Mr. Hesson indicated that the property was purchased in September of 1990 by his client for use as a dental office. The dental office occupies the first floor of the building and the Petitioner has rented other portions of the building to other business tenants. Specifically, the Dial-A-Maid business operates out of the basement and three small businesses occupy the second floor.

Further testimony indicated that after the purchase of the building, the Petitioner applied for and obtained a building permit, No. B070312 to make certain interior changes to the building. It was proffered that the permit allowed the Petitioner to enclose the existing porch into the addition previously described, install a handicapped ramp, construct new stairs servicing the basement of the building, and construct new entrances. These changes have all been completed by the Petitioner's contractor.

Testimony was also proffered as to the long and consistent history of the use of this property. It was indicated that the metes and bounds configuration of the lot has been unchanged since 1928. Further, the building has been there in its present form since May of 1958 but for the improvements noted above in 1990. This configuration includes the previous porch, which has now been enclosed, and the parking arrangement, both of which have been in place in excess of thirty (30) years. Although the Petitioner offered no reason at the hearing as to why additional space was needed, it is noted on the Petition that the addition was necessary to enlarge the dental practice waiting room and reception areas and to furnish space for equipment necessary to conduct a full scale dental operation. Further, it was argued that strict compliance with the regulations would require elimination of the long standing porch area and would actually infringe on the existing structure. Further, it was alleged that any addition to the building must be made to the front; that is, to add on to the back of the building would adversely affect the existing parking. At present, no parking variance is required or needed because of the location and configuration of the parking lot in the rear area.

Although there was no community opposition to the request, comments by the staff were reviewed. Of particular interest within those comments is the interoffice correspondence from Pat Keller, Deputy Director, Office of Planning and Zoning. Specifically, Mr. Keller notes that the porch enclosure was constructed without the benefit of a building permit, directly contradictory to the proffer made at the hearing. A review of the actual permit is, therefore, required. The permit allows the Petitioner to construct a handicapped ramp and do certain interior alterations. However, the permit specifically states "does not include enclosure of

porch". Thus, not only is the Petitioner's proffer a misstatement of the authority of the permit, but the previous work done was in direct contradiction of the permit itself.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Having reviewed the evidence presented, it is the opinion of the Zoning Commissioner that the Petitioner has not met his burden as set forth in Section 307 of the B.C.Z.R. In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Further, it is to be noted that Petitioner's Exhibit No. 1 discloses that the Petitioner's advertising sign located in the front of the property is within the right-of-way. Although, it was proffered that this sign will be removed, the Petitioner should be advised that if same is not removed, the property is subject to violation for that reason.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of Sept, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 3 ft. in lieu of the required 15 ft. from the front property line and 28 ft. in lieu of the required 40 ft. from the centerline of the street, as indicated on Petitioner's Exhibit No. 1, is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to Petition for Zoning Variance, a variance from Section 235.B.4 to allow 5 ft. width for amenity open space in lieu of the required 10 ft., is hereby DISMISSED.

LES/mmh  
cc: Peoples Counsel

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



# Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 235.1 front yard 3 feet in lieu of 15 feet from the front property line 28 feet in lieu of 40 feet from the center line of the street variance from section 235.8.4 to allow foot width for amenity open space in lieu of the required 10 feet.

1. The enclosed porch area is the only area available to locate the large Pantex x-ray machine necessary for this operation.
2. The enclosed porch area is needed for waiting room and reception area to maximize the existing inside floor plan for patient treatment areas, to move more efficiently and in an orderly manner.
3. There are other types of equipment located on the enclosed porch needed to furnish our patients with a complete dental service. If not they would go else where for their treatments. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Gerd H. Petrick, D.D.S.

(Type or Print Name)

Signature

(Type or Print Name)

Address

City and State

Signature

Address

City and State

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M. & H. DEVELOPMENT ENGINEERS, INC.  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204

MAY 22, 1991

DESCRIPTION TO ACCOMPANY PLAT FOR VARIANCE  
FOR PROPERTY LOCATED AT 219 W. JOPPA ROAD

Beginning for the same at a point measured from the intersection formed by the center line of Baltimore Avenue (60 foot R/W) and the southerly side of Joppa Road (50 foot R/W) westerly therefrom 128 feet more or less. Thence S 17° W 64' 2", thence N 76° 31' W 71', thence N 13° E 78' thence along the southerly side of Joppa Road S 66° 13' E 77' to the place of beginning.

Containing 0.12 acre more or less.



MALCOLM E. HUDKINS  
REGISTERED SURVEYOR #5095

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 7/16/91

Gerd H. Petrick, D.D.S.  
219 West Joppa Road  
Towson, Maryland 21204

RE:

Case Number: 91-467-A

Petitioner(s): Gerd H. Petrick, et ux

Dear Petitioner(s):

Please be advised that \$ 111.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: William Hesson, Esq.

RECEIVED  
JUL 23 1991  
ZONING OFFICE

7/21/91  
Dear Commissioner:  
Please reschedule hearing to a Wednesday, PM, as I and my family are out of the city on vacation 8/13/91 (from 8/8 to 8/14) vacation, and over 6 months ago. Please conform needs.  
Thank you, Gerd  
cc: William Hesson

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 26, 1991

Gerd H. Petrick, D.D.S.  
219 West Joppa Road  
Towson, Maryland 21204

Re: Case Number(s): 91-467-A  
219 W. Joppa Road  
Petitioner(s): Gerd H. Petrick, et ux

Dear Petitioners:

This to acknowledge receipt of your July 21, 1991 correspondence requesting postponement of the above captioned matter. Accordingly, the case has been pulled from August 13, 1991 docket.

Notice of the new hearing date will be forwarded to you shortly.

Very truly yours,

G. G. Stephens  
(301) 887-3391

cc: William Hesson, Esq.

COPY

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 29, 1991

Gerd H. Petrick, D.D.S.  
219 West Joppa Road  
Towson, MD 21204

Re: Case Number(s): 91-467-A  
Petitioner(s): Petrick  
Location: 219 West Joppa Road

Dear Petitioners:

The above matter, previously set to be heard on August 13, 1991, has been postponed and rescheduled for WEDNESDAY, SEPTEMBER 25, 1991 at 9:00 a.m.

Very truly yours,

G. G. Stephens  
(301) 887-3391

cc: William Hesson, Esq.

COPY

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

JUNE 24, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-467-A  
S/S Joppa Road, 128' W of Baltimore Avenue  
219 W. Joppa Road  
9th Election District - 4th Councilmanic  
Petitioner(s): Gerd H. Petrick, D.D.S.  
HEARING: TUESDAY, AUGUST 13, 1991 at 10:30 a.m.

Variance to allow a front yard 3 ft. in lieu of 15 ft. from the front property line 28 ft. in lieu of 40 ft. from the center line of the street and to allow 5 ft. width for amenity open space in lieu of the required 10 ft.

Zoning Commissioner of  
Baltimore County

cc: Gerd H. Petrick, D.D.S.  
William Hesson, Esq.

COPY

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE:

Gerd H. Petrick, D.D.S.  
219 West Joppa Road  
Towson, Maryland 21204

RE:

Case Number: 91-467-A  
S/S Joppa Road, 128' W of Baltimore Avenue  
219 W. Joppa Road  
9th Election District - 4th Councilmanic  
Petitioner(s): Gerd H. Petrick, D.D.S.  
HEARING: TUESDAY, AUGUST 13, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 111.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: William Hesson, Esq.

COPY





Gerd H. Petrich, D.D.S. and Associates

219 WEST JOPPA ROAD SUITE 100  
TOWSON, MARYLAND 21204-4042

TELEPHONE (301) 823-1413  
FAX (301) 337-0868

821-3116 fax

9/20/91  
Faxed 12:30 PM  
**PETITIONER'S EXHIBIT 4**

Dear Mr. Hesson

J. Michael Lawler, Peter Kern, Fred Hines  
Board of Directors of 606 Condominium, Inc.  
made some very nice verbal remarks as to  
219 West Joppa Rd.

Mr. Lawler, Esq. said that if you needed his help  
in person as in writing re 219 W Joppa  
variance hearing, he would be glad to assist  
in any way.

Mr. Kern was the appraiser for loans and  
other purposes for me when I purchased  
the building in Sep 90.

If you want me to approach Mr. Lawler, et al,  
regarding this matter, let me know or contact  
them from your end.

Mr. Lawler says many good things about  
your people as an attorney. Thank you, GHP

LAW OFFICES

Radcliffe & Radcliffe, P.A.

608 BALTIMORE AVENUE

TOWSON, MARYLAND 21204

(301) 828-0333

FAX NO. (301) 321-116

MICHAEL S. RADCLIFFE

M. STANLEY RADCLIFFE  
(1024-1908)

September 13, 1991

**PETITIONER'S EXHIBIT 5**

Gerd H. Petrich, D.D.S.  
219 West Joppa Road  
Suite 100  
Towson, Maryland 21204-4042

Re: Banner/sign

Dear Dr. Petrich:

Please be advised that I have reviewed the matter of your sign and  
porch enclosure with my fellow owners and occupants of 608 Baltimore  
Avenue. We are pleased to advise you that we have absolutely no  
objection to the sign which you would like to hang outside of your  
building. As to the porch enclosure, we think that the work that  
you have contracted for to enclose the porch has been done well and  
blends in well with the surroundings. As such, we have absolutely  
no objection to the enclosure.

We hope this letter is useful to you in your zoning matter, and wish  
you the best of luck.

Very truly yours,

Michael S. Radcliffe  
Nicholas J. Pistolas

MSR:jc

Hesson, G. H.

February 13, 1991

Baltimore County Permits & Licenses  
County Office Building  
Towson, Maryland 21204

Attn: J. Reisinger  
G. Barry

Re: 219 W. Joppa Road  
No.: B070312  
Citation: B 91-269  
Front Porch Variance

Gentlemen:

Please be advised that I am a part owner of 608 Baltimore Avenue,  
Towson, Maryland 21204. My property is on the corner of Bal-  
timore Avenue and Joppa Road and adjacent to the above-captioned  
property.

Please be advised that myself and my co-owners of 608 Baltimore  
Avenue have no objection to Dr. Gerd Petrich's plan to enclose  
his front porch. It is our opinion that the improvements he has  
made to the building are tasteful, appropriate, and blend in well  
with the decor of other adjacent buildings.

I wish to advise that we have no objection to the granting of the  
variance. Separate letters are attached from my co-owners.

Very truly yours,

NICHOLAS J. PISTOLAS

NJP/cm



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING-ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

January 14, 1992

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

OLD COURTHOUSE

ROOM 48

400 WASHINGTON AVE.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND  
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE  
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO  
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF  
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH  
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-467-A

GERD H. PETRICH, D.D.S.

S/s Joppa Road, 128' W of

Baltimore Avenue (219 W. Joppa Rd.)

9th Election District;

4th Councilmanic District

VAR-Setbacks, open space

9/30/91 - Z.C.'s Order DENYING in

part; DISMISSING in part.

ASSIGNED FOR: TUESDAY, APRIL 21, 1992 AT 10:00 a.m.

cc: William M. Hesson, Jr., Esquire - Counsel for Petitioner

Gerd H. Petrich, D.D.S. - Petitioner/Appellant

Mr. Vincent Moskunus

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

Lawrence E. Schmidt

Timothy M. Kotroco

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning

Administration

LindaLee M. Kuszmaul  
Legal Secretary

SCS

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

November 1, 1991

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
S/s Joppa Road, 128' W of Baltimore Avenue  
(219 W. Joppa Road)  
9th Election District, 4th Councilmanic District  
GERD H. PETRICH, D.D.S. - Petitioner  
Case No. 91-467-A

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on October 28, 1991 by William M. Hesson, Jr.,  
Attorney on behalf of the petitioner. All materials relative to the  
case are being forwarded herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

LindaLee M. Kuszmaul  
Zoning Commissioner

LES:cer

Enclosures

cc: Gerd H. Petrich, D.D.S. - 219 W. Joppa Road, Balto., MD 21204

William M. Hesson, Jr. - Frank, Bernstein, Conaway & Goldman  
Suite 630, 210 West Pennsylvania Ave., Towson, MD 21204

Vincent Moskunus - 200 E. Joppa Road, Baltimore, MD 21204

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File



COUNTY COUNCIL OF BALTIMORE COUNTY

COURT HOUSE, TOWSON, MARYLAND 21204

DOUGLAS B. RILEY  
CHAIRMAN COUNTY COUNCIL  
COUNCILMAN FOURTH DISTRICT

COUNCIL OFFICE 887-3339  
887-3198

December 17, 1991

Gerd H. Petrich, D.D.S.  
219 West Joppa Road, Suite 100  
Towson, Maryland 21204-4042

Re: Zoning Case No. 91-467-A

Dear Dr. Petrich:

I have received the information you sent to me regarding Zoning  
Case No. 91-467-A. As you know, this case is currently the subject of  
litigation. Accordingly, it would be inappropriate for me to take any  
action at this time.

Sincerely,

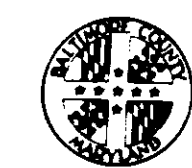
Douglas B. Riley  
Councilman, Fourth District

DBR:akd

cc: Arnold Jablon, Director  
Zoning Administration and Development Management

PETRICH.1/TXTAKD

RECEIVED  
DEC 18 1991  
ZONING OFFICE



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 887-3180

April 2, 1992

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

NOTICE OF POSTPONEMENT AND REASSIGNMENT  
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND  
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE  
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO  
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF  
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH  
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-467-A

GERD H. PETRICH, D.D.S.

S/s Joppa Road, 128' W of

Baltimore Avenue (219 W. Joppa Rd.)

9th Election District;

4th Councilmanic District

VAR-Setbacks, open space

9/30/91 - Z.C.'s Order DENYING in

part; DISMISSING in part.

which was scheduled for hearing on April 21, 1992 has been  
POSTPONED at the request of Counsel for Petitioner/Appellant and  
has been

REASSIGNED FOR: WEDNESDAY, JULY 29, 1992 AT 10:00 a.m.

cc: William M. Hesson, Jr., Esquire - Counsel for Petitioner

Gerd H. Petrich, D.D.S. - Petitioner/Appellant

Mr. Vincent Moskunus

People's Counsel for Baltimore County

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning

Administration

LindaLee M. Kuszmaul  
Legal Secretary





County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
January 14, 1992

NOTICE OF ASSIGNMENT  
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-467-A  
GERD H. PETRICH, D.D.S.  
S/s Joppa Road, 128' W of  
Baltimore Avenue (219 W. Joppa Rd.)  
9th Election District;  
4th Councilmanic District

VAR-Setbacks, open space  
9/30/91 - Z.C.'s Order DENYING in part; DISMISSING in part.

ASSIGNED FOR: TUESDAY, APRIL 21, 1992 AT 10:00 a.m.

cc: William M. Hesson, Jr., Esquire - Counsel for Petitioner.

Gerd H. Petrich, D.D.S. - Petitioner/Appellant

Mr. Vincent Moskunus

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

Lawrence E. Schmidt

Timothy M. Kotroco

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul  
Legal Secretary

LAW OFFICES  
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

SUITE 430, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(410) 821-3100

10227 WINCOPIN CIRCLE  
COLUMBIA, MARYLAND 21044  
(301) 730-9477

1730 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 416-0213

1003 WEST SEVENTH STREET  
FREDERICK, MARYLAND 21701  
(301) 663-5335

6701 DEMOCRACY BOULEVARD  
BETHESDA, MARYLAND 20817  
(301) 897-8282

WILLIAM M. HESSON, JR.  
DIRECT DIAL NUMBER  
(410) 821-6993

April 1, 1992

Baltimore County Board of Appeals  
Room 49, Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Gerd H. Petrich, D.D.S.  
Case No. 91-467-A  
Hearing Date: April 21, 1992

Dear Members of the Board of Appeals:

I represent the Petitioner-Appellant in the above captioned case and my client has requested that the hearing scheduled for April 21, 1992 be postponed until sometime after June 5, 1992. My client further requests that the hearing be scheduled in the morning on a Wednesday due to his surgical schedule on other days of the week.

I have attached herewith the letter from my client in justification of this request. I would appreciate your favorable disposition of this matter.

Very truly yours,  
William M. Hesson, Jr.

Enclosure

cc: Gerd H. Petrich, D.D.S.  
Vince Moskunus  
People's Counsel for Baltimore County

PETRICH:LTR



3/24/92 Re: Case No. 91-467-A  
This Apr 21 1992 @ 10 AM  
Gerd H. Petrich, D.D.S. and Associates  
210 WEST JOPPA ROAD, SUITE 100  
TOWSON, MARYLAND 21204-4042  
TELEPHONE: (301) 823-1413  
FAX: (301) 357-0668

Dear Members  
Please postpone this case as I and my children (4 plus 2 guests) were in Florida due to school seminar break from 16 Apr. to 24 Apr 92 and will also be out of the county due to family death/emergency there 5 June 92.  
Please reschedule hearing and try to schedule AM on Wednesday's due to hearing surgical schedule on other days  
Thank you  
GPH

cc: Wm Hesson Esq  
Vince Moskunus  
People's Counsel for Balto County  
County Board of Appeals



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
January 14, 1992

NOTICE OF ASSIGNMENT  
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-467-A  
GERD H. PETRICH, D.D.S.  
S/s Joppa Road, 128' W of  
Baltimore Avenue (219 W. Joppa Rd.)  
9th Election District;  
4th Councilmanic District

VAR-Setbacks, open space  
9/30/91 - Z.C.'s Order DENYING in part; DISMISSING in part.

ASSIGNED FOR: TUESDAY, APRIL 21, 1992 AT 10:00 a.m.

cc: William M. Hesson, Jr., Esquire - Counsel for Petitioner.

Gerd H. Petrich, D.D.S. - Petitioner/Appellant

Mr. Vincent Moskunus

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

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W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul  
Legal Secretary

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

November 1, 1991

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
S/S Joppa Road, 128 ft. W of Baltimore Avenue  
(219 W. Joppa Road)  
9th Election District, 4th Councilmanic District  
GERD H. PETRICH, D.D.S. - Petitioner  
Case No. 91-467-A

Dear Board:

Please be advised that an appeal of the above-captioned case was filed in this office on October 28, 1991 by William M. Hesson, Jr., Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

William M. Hesson, Jr.

LES:cer

Enclosures

cc: Gerd H. Petrich, D.D.S. - 219 W. Joppa Road, Balto., MD 21204

William M. Hesson, Jr. - Frank, Bernstein, Conaway & Goldman  
Suite 630, 210 West Pennsylvania Ave., Towson, MD 21204

Vincent Moskunus - 200 E. Joppa Road, Baltimore, MD 21204

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

LAW OFFICES  
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

SUITE 430, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
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1730 M STREET, N.W.  
WASHINGTON, D.C. 20036  
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FREDERICK, MARYLAND 21701  
(301) 663-5335

6701 DEMOCRACY BOULEVARD  
BETHESDA, MARYLAND 20817  
(301) 897-8282

WILLIAM M. HESSON, JR.  
DIRECT DIAL NUMBER  
(301) 821-6993

October 28, 1991

HAND DELIVERY

Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Gerd H. Petrich, D.D.S.  
Case No. 91-467-A

Dear Mr. Commissioner:

Please enter an Appeal from the Order of the Commissioner in the above-captioned case, which Order is dated September 30, 1991. The Appeal is filed by me on behalf of the petitioner, Gerd H. Petrich, D.D.S. Please me at the above address of the date and time of the hearing on appeal.

If you need any further information, please do not hesitate to contact me.

Very truly yours,  
William M. Hesson, Jr.

scd  
Enclosure

cc: Board of Appeals of Baltimore County  
People's Counsel for Baltimore County  
Gerd H. Petrich, D.D.S.

PET:APP

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS  
S/S Joppa Road, 128' W of : OF BALTIMORE COUNTY  
Baltimore Ave. (219 W. Joppa :  
Road), 9th Election District, :  
4th Councilmanic District :  
GERD H. PETRICH, D.D.S., : Case No. 91-467-A  
Petitioner :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 13th day of November, 1991, a copy of the foregoing Entry of Appearance was mailed to William M. Hesson, Jr., Esquire, Frank, Bernstein, Conaway & Goldman, Suite 630, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

LAW OFFICES  
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

SUITE 430, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
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WILLIAM M. HESSON, JR.  
DIRECT DIAL NUMBER  
(301) 821-6993

October 28, 1991

HAND DELIVERY

Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Gerd H. Petrich, D.D.S.  
Case No. 91-467-A

Dear Mr. Commissioner:

Please enter an Appeal from the Order of the Commissioner in the above-captioned case, which Order is dated September 30, 1991. The Appeal is filed by me on behalf of the petitioner, Gerd H. Petrich, D.D.S. Please me at the above address of the date and time of the hearing on appeal.

If you need any further information, please do not hesitate to contact me.

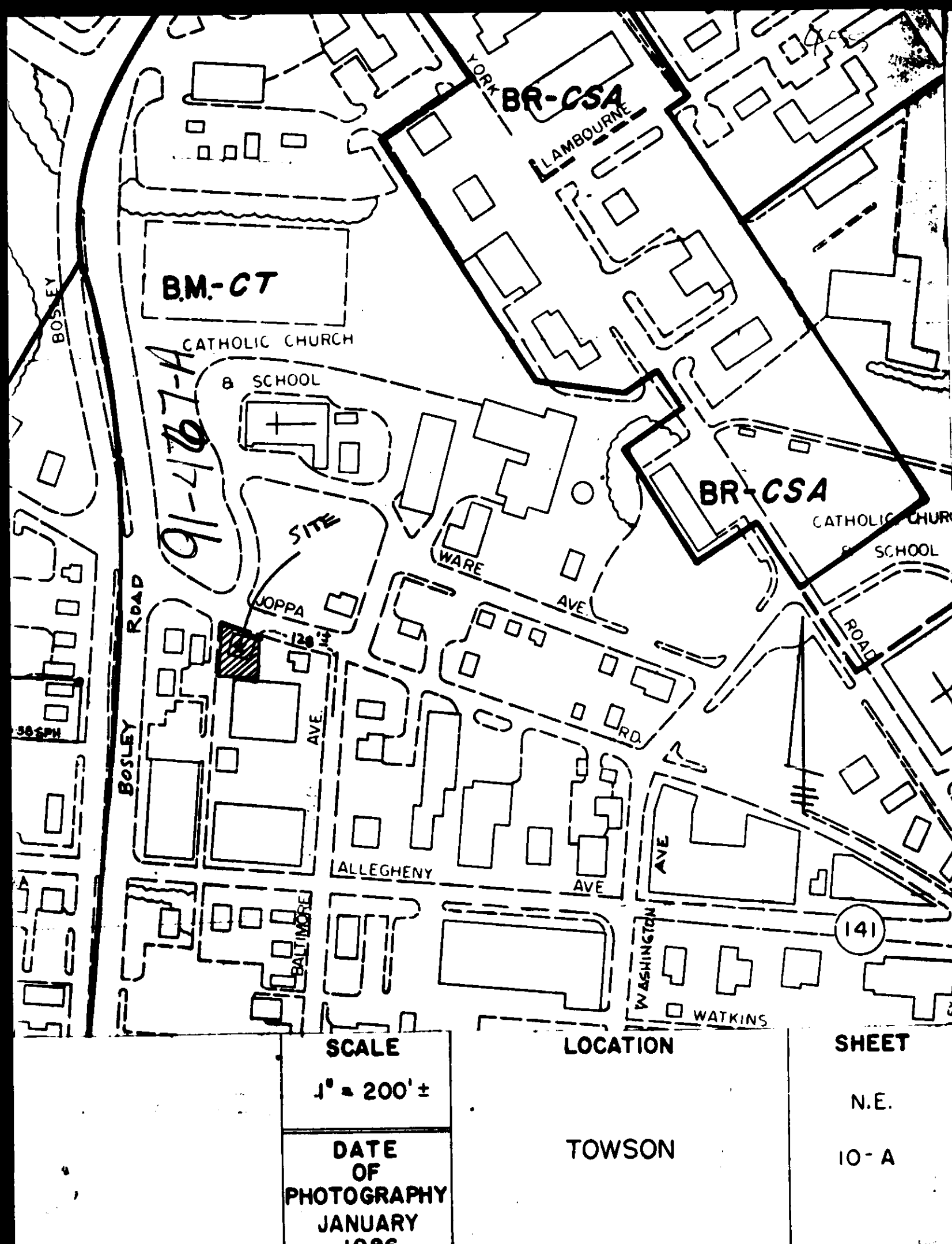
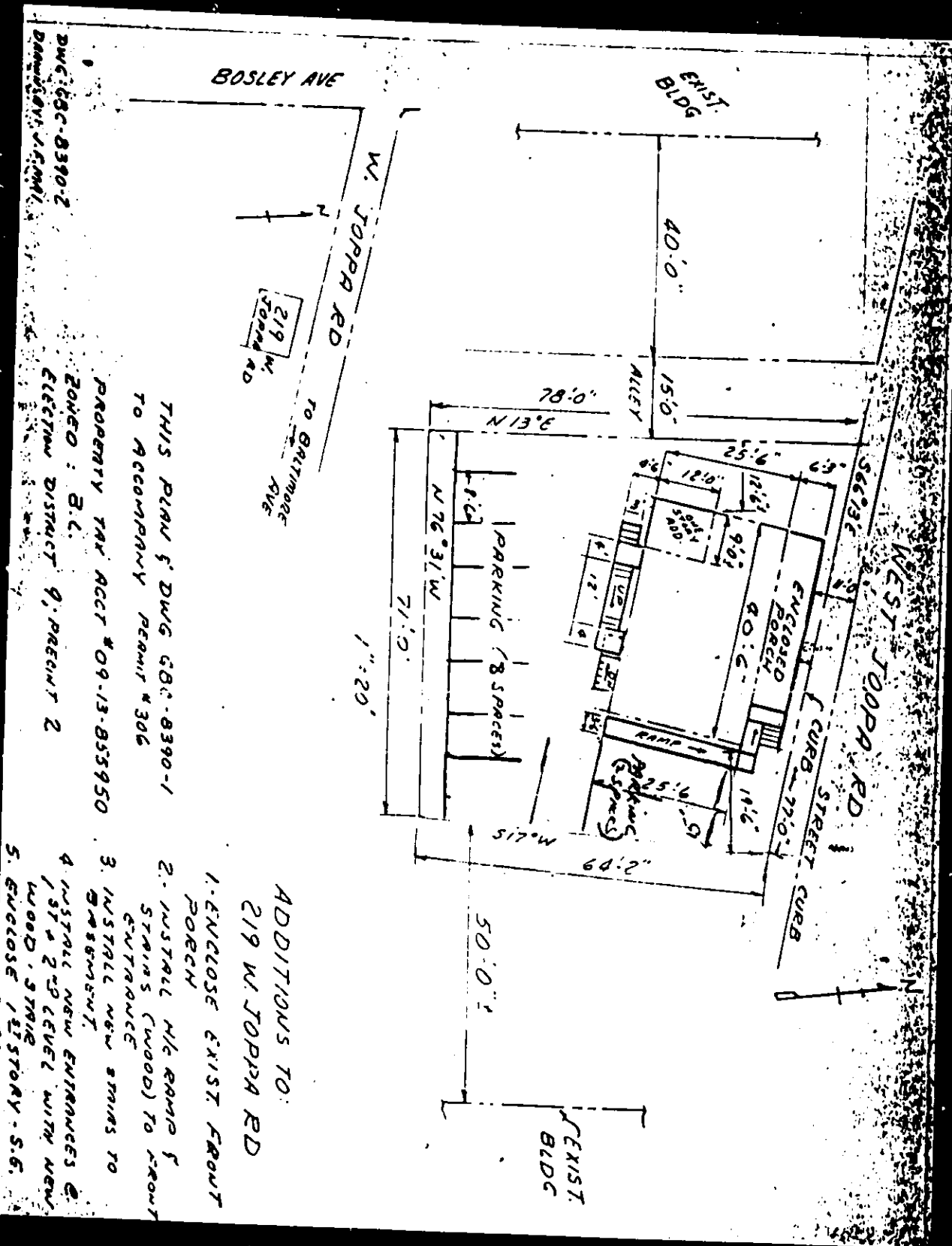
Very truly yours,  
William M. Hesson, Jr.

scd  
Enclosure

cc: Board of Appeals of Baltimore County  
People's Counsel for Baltimore County  
Gerd H. Petrich, D.D.S.

PET:APP

B070312



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, hereby give a public hearing on the property of the Zoning Commission located at 111 W. Chesapeake Office Building, located at 111 W. Chesapeake Office Building, Maryland 21204 as follows:

Case Number: 91-467-A  
S.S. Joppa Road, 129 W of  
Baltimore Avenue  
219  
Joppa Road  
9th Element District  
4th Councilmember  
Precinct(s):  
Gent H. Patrick, D.O.S.  
Hearing Date: Tuesday,  
Aug. 13, 1991 at 10:30 a.m.

Variance: to allow a front yard  
3 ft. in lieu of 15 ft. from the front  
property line 28 ft. in lieu of 40 ft.  
from the center line of the street  
and to allow a ft. width for amenity  
open space in lieu of the required  
10 ft.

Zoning Commissioner of  
Baltimore County

T/J/063 July 11,

## CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_, 1941

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/16, 1941

**THE JEFFERSONIAN,**

S. Zehe Orhan

Publisher

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

July 18, 1991

William Hesson, Esquire  
Suite 700/210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Item No. 455, Case No. 91-467-A  
Petitioner: Gerd H. Petrick  
Petition for Variance

Dear Mr. Hesson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Very truly yours,  
James E. Dyer  
JAMES E. DYER

Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Gerd H. Petrick  
219 W. Joppa Road  
Towson, MD 21204

### CERTIFICATE OF PUBLICATION

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Board of Act and Ordinances of Baltimore County will hold a public hearing on the property described herein in the 136 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:

Case Number: 91-467-A  
S/S Joppa Road, 128' W of Baltimore Avenue  
219 W. Joppa Road  
9th Election District  
4th Councilmatic  
Precinct(s):

Gerd H. Petrick, D.D.S.  
Hearing Date: Tuesday,  
Aug. 13, 1991 at 10:30 a.m.

Variance: to allow a front yard 3 ft. in lieu of 15 ft. from the property line 26 ft. in lieu of 40 ft. from the center line of the street and to allow 5 ft. width for amenity open space in lieu of the required 10 ft.

Zoning Commissioner of  
Baltimore County

TOWSON, MD., 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11 11, 1991.

**TOWSON TIMES,**


5. Zehe Ordnung

\$ 89.91

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

91-447-12

District. 36  
 Posted for: General  
 Petitioner: John T. Roberts, D.D.  
 Location of property: 125 Upper Road at 25 West Main Corner  
219 West Main Ave.  
 Location of Sign: 125 West at 25 West Ave. Upper Road  
 Remarks:  
 Posted by: J. J. Roberts  
Signature  
 Number of Signs: 1  
 Date of Posting: November 12, 1941  
 Date of return: November 12, 1941

**Baltimore County**  
**Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt

Date 5/28/91

H9100455

PUBLIC HEARING FEES

QTY

PRICE

020 -ZONING VARIANCE (OTHER)

1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: PETRICH

04084800601CHRC

\$175.00

Please Make Check Payable To: Baltimore County 04084800937AM05-28-91

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**


91-467-A

District 2<sup>nd</sup> Dist.  
 Posted for 2. Amara  
 Date of Posting September 6, 1991  
 Petitioner: Gardell, L. L.  
 Location of property: 24 Sappan Road 125 W of Antares Avenue  
24 Sappan Road  
 Location of Sign: 24 Sappan Road  
 Remarks:  
 Posted by L. J. Gentry  
 Number of Signs: Signs  
 Date of return: September 12, 1991

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

Your petition has been received and accepted for filing this  
12th day of June, 1991.

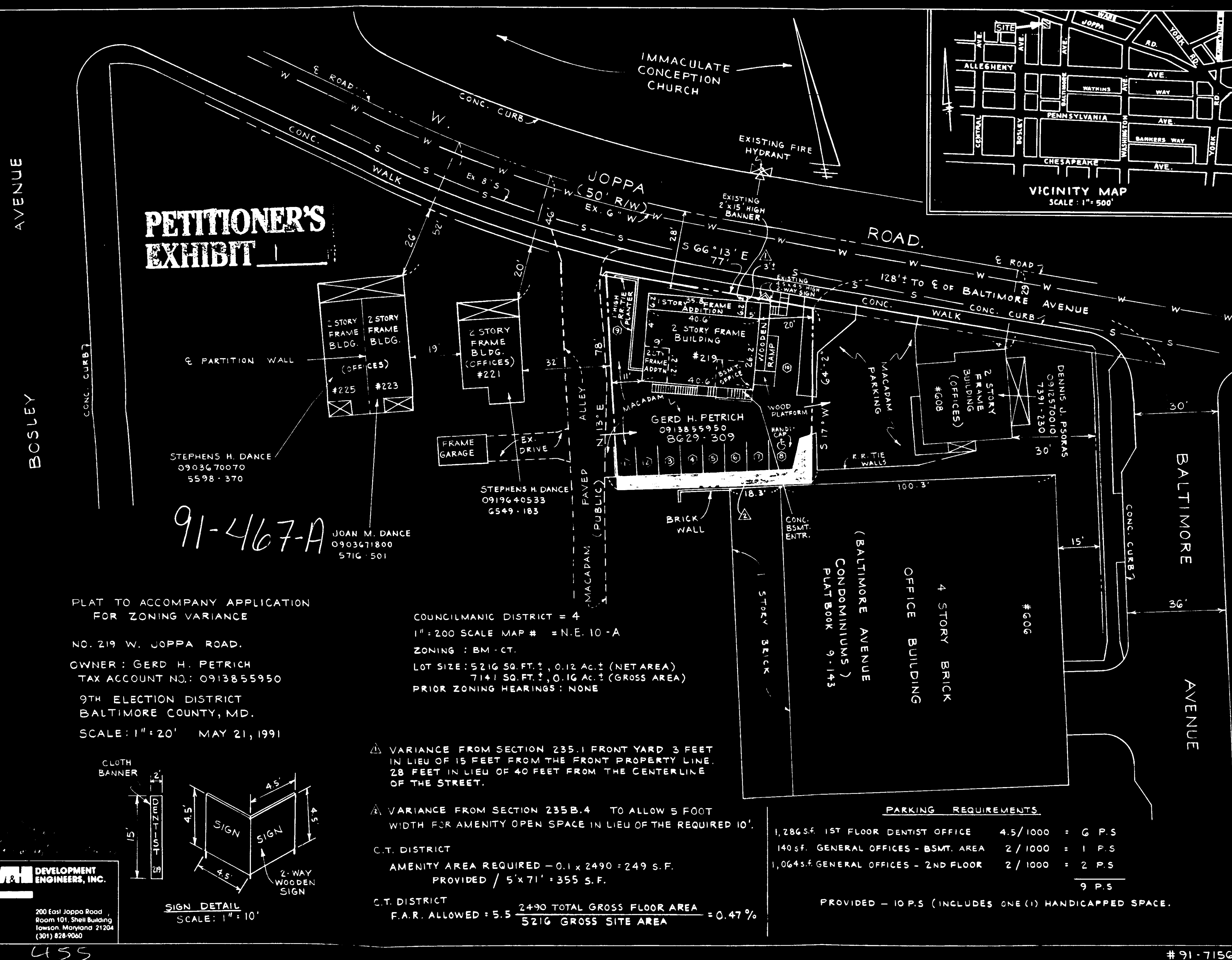
  
ARNOLD JABLON  
DIRECTOR

Received By: \_\_\_\_\_  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Gerd H. Petrick  
Petitioner's Attorney: William Hogen











MICROFILMED

SCALE 1" = 50'	KEY SHEET <b>N</b>	LOCALITY <b>TOWSON</b>	SHEET <b>39</b> N.E. <b>2</b>
DATE STARTED MAY, 58	N.W.	DISTRICT NO. 9	MICROFILMED

*Exhibit #2*